

MICHAEL STOCKDALE,

$$V.$$

Defendants.

No. 1:06-CV-25 CAS

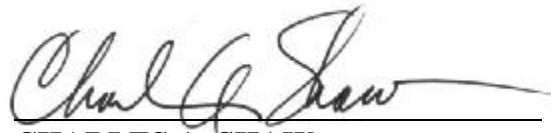
"No reply should be made to an answer . . . that does not itself contain a counterclaim denominated as such, unless a reply is ordered by the court. . . . A clear showing of necessity or of extraordinary circumstances of a compelling nature will usually be required before the court will order a reply." 2 James Wm. Moore, et al., *Moore's Federal Practice* § 7.02[7][b] (3d ed. 2006).

In this case, defendant Dwyer's answer did not contain a counterclaim and the Court did not order plaintiff to file a reply to the answer. The reply filed by plaintiff does not indicate a clear showing of necessity or of extraordinary circumstances of a compelling nature. Plaintiff's reply is therefore not properly filed pursuant to Rule 7(a), Fed. R. Civ. P., and will be stricken from the record.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's reply to defendant Dwyer's answer is **STRICKEN** from the record of this case. [Doc. 19]

IT IS FURTHER ORDERED that the Clerk of the Court shall delete Document 19, plaintiff's reply to the defendant Dwyer's answer, from the record of this matter.


CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 14th day of August, 2006.